

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CAMILLA KEPLER,  
 Plaintiff(s),  
 v.  
 ANDREW SAUL,  
 Defendant(s).

Case No.: 2:20-cv-02118-NJK

**ORDER**

This is a social security appeal in which Plaintiff is proceeding *pro se*. *See* Docket No. 1.<sup>1</sup> Plaintiff initiated the appeal on November 18, 2020, and had not filed proof showing that service on the Government has been effectuated. Accordingly, on March 2, 2021, a notice of intent to dismiss was issued pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. *See* Docket No. 6. Plaintiff still has not filed a proof of service nor otherwise responded to the notice.

The currently-governing rules require Plaintiff to effectuate service on the Government. *See* Fed. R. Civ. P. 4. Nonetheless, the Court is mindful that proposed supplemental rules have been drafted that would abolish this service requirement and would replace it with a Court-generated notice to the Government. *See* Preliminary Draft Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, at p. 217 (proposed Rule 3 of the Supplemental Rules for Social Security Review).<sup>2</sup> Although these rules have not yet been adopted formally, the notes to the preliminary draft also indicate that some districts have already adopted

<sup>1</sup> Plaintiff has paid the filing fee and, therefore, is not proceeding *in forma pauperis*.

<sup>2</sup> The proposed rules and committee notes thereto are available at: [https://www.uscourts.gov/sites/default/files/preliminary\\_draft\\_of\\_proposed\\_amendments\\_to\\_federal\\_rules\\_august\\_2020\\_0.pdf](https://www.uscourts.gov/sites/default/files/preliminary_draft_of_proposed_amendments_to_federal_rules_august_2020_0.pdf).

1 the proposed procedure of the Court notifying the Government of the initiation of a social security  
2 appeal in lieu of formal service. *See id.* at 221-22 (indicating that this change has been “universally  
3 popular”).

4       Given the posture of this case and given that the procedural requirements for service in  
5 social security appeals may be in flux, the Court seeks input from the Government as to whether  
6 it will accept service in this case by way of Court-generated notice.<sup>3</sup> The Clerk’s Office is  
7 **INSTRUCTED** to provide a copy of this order, along with the complaint at Docket No. 4, to  
8 Assistant United States Attorney Troy Flake. The Government must file notice as to whether it is  
9 accepting service by April 26, 2021.

10       IT IS SO ORDERED.

11       Dated: April 12, 2021

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14 Nancy J. Koppe  
15 United States Magistrate Judge  
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28 <sup>3</sup> Either through the notice provided herein or through some other notice to be specified in  
responding to this order.